



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert R. Corbin

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ARIZONA ATTORNEY GENERAL

April 3, 1985

Mr. Douglas R. Norton  
Auditor General  
111 West Monroe, Suite 600  
Phoenix, Arizona 85003

Dr. Wayne M. McGrath  
Executive Director  
State Board of Directors  
for Community Colleges  
1645 West Jefferson, Suite 254  
Phoenix, Arizona 85007

Re: I85-044 (R85-019)

Dear Mr. Norton and Dr. McGrath:

You have asked us to determine whether employees of the community college districts in Arizona are subject to the travel expense provisions of A.R.S. § 38-621 et seq. A.R.S. § 38-621 applies, in relevant part, "to every public officer, deputy or employee of the state, or of any department, institution or agency thereof and to a member of any board, commission or other agency of the state when traveling on necessary public business away from his designated post of duty and when issued a proper travel order." A.R.S. § 38-621.A. A.R.S. § 38-622 authorizes payment of certain expenses and allowances for travel to those individuals as defined in paragraph A of § 38-621.

In Ariz.Atty.Gen.Op. 62-110-L, we determined that members of a junior college district governing board were eligible for reimbursement of travel expenses pursuant to

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A.R.S. § 38-621.<sup>1/</sup> Although that opinion was primarily concerned with a determination of whether travel from the residence of the director of a community college to a meeting is travel to business away from his designated post of duty, implicit in our conclusion was our determination that A.R.S. § 38-621 applies to a member of a community college district governing board. We think that our previous conclusion applies with equal force to employees of a community college district.

Our conclusion that A.R.S. § 38-621 applies to community college employees is buttressed by the language of A.R.S. § 38-611. Although that statute is contained in a different article of Chapter 4 of Title 38, it addresses subject matter similar to that addressed in § 38-621; that is, the recommendation by the Director of the Department of Administration to the legislature of salaries for certain officers or employees of the state or any of its agencies. Specifically, A.R.S. § 38-611.A provides:

Except as otherwise provided in subsections C and D, any officer or employee of the state, or any of its agencies, who is exempt from the state personnel system shall receive a salary within the range as recommended by the department of administration in its annual recommendation to the legislature and the joint legislative budget committee unless modified by the legislature.

Employees of community college districts are exempt from the State Personnel System. See A.R.S. § 41-771.A.5. Absent a specific exemption, these employees would be subject to A.R.S. § 38-611.A which, by its terms, pertains to "any officer or employee of the state, or any of its agencies." However, the legislature specifically exempted employees of community college districts from the provisions of paragraph A of A.R.S. § 38-611 in paragraph C of that statute.

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1. A member of a community college district governing board is to be distinguished from a member of the Arizona State Board of Directors for Community Colleges. Compare A.R.S. § 15-1441 et seq. with A.R.S. § 15-1421 et seq.

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The fact that employees of the community colleges were exempted from paragraph A of A.R.S. § 38-611 which pertains to "any officer or employee of the state, or any of its agencies," lead us to conclude that, absent a similar exemption, employees of community college districts are subject to A.R.S. § 38-621 which, similarly, pertains to "every public officer, deputy or employee of the state, or any department, institution or agency thereof."

Sincerely,

A handwritten signature in black ink that reads "Bob Corbin". The signature is written in a cursive, slightly slanted style.

BOB CORBIN  
Attorney General

BC:SMS:kmc